

The Gazette of India



**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

NEW DELHI, SATURDAY, DECEMBER 27, 1947

GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 27th December 1947

ORDINANCE NO. XXXI OF 1947.

AN

ORDINANCE

temporarily to amend the Negotiable Instruments Act, 1881, and the Indian Limitation Act, 1908

WHEREAS an emergency has arisen which makes it necessary temporarily to amend the Negotiable Instruments Act, 1881 (XXVI of 1881), and the Indian Limitation Act, 1908 (IX of 1908), for the purpose hereinafter appearing;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by India (Provisional Constitution) Order, 1947, the Governor-General is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Negotiable Instruments Act and the Indian Limitation Act (Temporary Amendment) Ordinance, 1947.

(2) It shall come into force at once.

2. Amendment of the Negotiable Instruments Act, 1881.—After section 75A of the Negotiable Instruments Act, 1881, the following section shall be inserted, namely:—

"75B Presentment of negotiable instruments in riot areas unnecessary.—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, no presentment for acceptance or payment of a negotiable instrument shall be necessary, and the instrument shall be deemed to be dishonoured at the due date for presentment if it is not possible for the holder thereof, being a bank, to present the instrument for acceptance or payment on account of the prevalence of riot or other disturbances in the area in which such presentment is to be made.

(2) Every bank which treats any negotiable instrument as dishonoured under sub-section (1) shall send to the Reserve Bank of India a return signed by two responsible officers of the bank in such form and manner as may be prescribed by the Reserve Bank of India.

Explanation—For the purpose of this section a bank shall include a company or corporation incorporated by or under any law in force in any place, whether outside the Provinces of India which transacts the business of banking in any of the Provinces of India.”

3. Amendment of the Indian Limitation Act, 1908.—After section 5 of the Indian Limitation Act, 1908, the following section shall be inserted, namely:—

"5A. Extension of period in cases of riots.—Any suit which could not be instituted on and after the 1st day of August 1947 or cannot be instituted after the coming into force of this Ordinance within the period of limitation on account of the prevalence of riots or other disturbances may be admitted after the period of limitation prescribed therefor when the plaintiff satisfies the Court that he was unable to institute the suit within such period owing to the prevalence of riots or other disturbances."

MOUNTBATTEN OF BURMA,
Governor-General.

S. A. LAL,
Secy. to the Govt of India.